

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 8, 1973
7:00 P.M.

ELECTRIC BUILDING AUDITORIUM

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen
Lebermann, Friedman, Handcox, Mayor Butler
Absent: None

The Invocation was delivered by MR. CHARLES GRAVES, City Engineer.

APPROVAL OF MINUTES

Mayor Pro Tem Love moved the Council approve the Minutes of the Regular Meetings of September 27, 1973 and October 25, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen
Lebermann, Friedman, Handcox, Mayor Butler
Noes: None

APPLICATION SUBMITTED

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to submit an application for Federal Library Services and Construction Act funds. Anticipated amount: \$13,200. (State LSA grant of \$3,800 has been previously applied for). The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilmen Lebermann,
Friedman, Handcox, Mayor Butler, Councilman Dryden
Noes: None

PUBLIC HEARING SET

Mayor Pro Tem Love moved the Council adopt a resolution setting a public hearing at 7:00 P.M., November 29, 1973, to consider annexing the following:

Total of 163.08 acres of land out of the JOHN APPLGAIT and GEORGE W. DAVIS SURVEYS:

- a. 91.96 acres - unplatted land. (requested by Robert L. Davis, representative for the owners, M. M. Brinkley and Emile Jamail)
- b. 71.12 acres - unplatted land. (initiated by the City of Austin)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,
Mayor Butler, Councilmen Dryden, Binder
Noes: None

CONTRACTS AWARDED

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

LIBRARY BINDING COMPANY
Waco, Texas

Bid Invitation #3-1962
Rebinding of Paperback Books - Annual
Supply Agreement - Item 1 (\$1.29 per
book) - \$10,000.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contracts:

RIVER CITY MACHINERY CO.
Austin, Texas

Bid Invitation #3-1849
Item 9, 1 each @ \$7,062.38
Item 11, 1 each @ \$26,135.00
Total: \$33,197.38

CENTRAL TEXAS EQUIPMENT CO.
Austin, Texas

Bid Invitation #3-1849
Item 24, 1 each @ \$7,320.00
Item 25, 1 each @ \$7,336.00
Total : \$14,656.00

WEHRING-GOSS EQUIPMENT CO.
San Antonio, Texas

Bid Invitation #3-1849
Item 1, 4 each @ \$3,490.00
Item 2, 2 each @ \$3,490.00
Item 3, 8 each @ \$3,000.00
Item 4, 3 each @ \$7,890.00
Item 5, 1 each @ \$7,360.00
Total: \$75,970.00

GIRARD MACHINERY &
SUPPLY CO.
San Antonio, Texas

Bid Invitation #3-1849
Item 6, 1 each @ \$3,185.00
Item 7, 1 each @ \$58,275.00
Item 13, 4 each @ \$2,551.00
Total: \$71,664.00

INGRAM MANUFACTURING CO.
San Antonio, Texas

Bid Invitation #3-1849
Item 12, 1 each
Total: \$15,100.00

ANDERSON MACHINERY CO.
San Antonio, Texas

Bid Invitation #3-1849
Item 15, 1 each @ \$17,452.00
Item 16, 1 each @ \$9,803.00
Item 17, 1 each @ \$9,200.00
Total: \$36,455.00

DITCH WITCH OF SOUTH TEXAS
New Braunfels, Texas

Bid Invitation #3-1849
Item 8, 1 each
Total: \$7,256.00

HOLT MACHINERY CO.
Austin, Texas

Bid Invitation #3-1849
Item 10, 1 each
Total: \$53,054.00

Construction Equipment - Total: \$438,024.53

The motion, seconded by Councilman Lebermann, carried by the following
vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution awarding the
following contract:

FMC CORPORATION, INDUSTRIAL
CHEMICALS DIVISION
New York, New York

Bid Invitation #4-0022
Sodium Hexametaphosphate Twelve (12)
months Supply Agreement with three
(3) months Extension Option - Item
No. 1, 75 tons @ \$273.20/ton -
\$20,490.00

The motion, seconded by Councilman Lebermann, carried by the following
vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

TEXAS HIGHWAY DEPARTMENT
Austin, Texas

Capital Improvements Program Project
No. 4024 9
For modification to storm sewer system
to accommodate 54 inch water trans-
mission main at Travis County Loop 1
and West 35th Street - \$8,966.14

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

ACCO BRISTOL DIVISION
Houston, Texas

Bid Invitation #3-1943
Potentiometric Strip Chart Recorder -
\$17,786.95

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

E. E. STUESSY CO., INC.
Austin, Texas

Capital Improvements Program Project
No. 3533 4
Electric Ductline and Concrete Founda-
tions at Seaholm 11 KV Substation -
\$17,755.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

AUSTIN ROAD COMPANY
Austin, Texas

Capital Improvements Program Project
No. 7504 7
For construction of Sidewalks - Safe
School Routes 1974 - \$87,418.96

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

Mayor Butler asked for a one week delay on this particular item to obtain more support material:

TOM FAIREY CO.
Austin, Texas

Item 18, 8 each @ \$9,403.13
Item 19, 1 each @ \$9,403.13
Item 19, 1 each @ \$9,403.13
Item 20, 1 each @ \$9,403.13
Item 21, 2 each @ \$14,619.17
Item 22, 1 each @ \$14,619.17
Item 23, 2 each @ \$14,619.17
Total: \$167,127.15

SALE OF STRUCTURE

Mayor Pro Tem Love moved the Council adopt a resolution approving sale of structure on City owned property to make way for a City Electrical Sub-station:

Accept Positive Bid - Structure to be moved

WESLEY DAHL	2503 Winsted Lane	\$501.37
RAYMOND E. MATOCHA	2505 Winsted Lane	\$255.00

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Binder, Mayor Pro Tem Love, Councilman Lebermann
Noes: None

SUBSTANDARD STRUCTURES

Councilman Lebermann moved the Council approve the recommendations from the Building Standards Commission and authorize the Legal Department to take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

- a. 1127 Salina Street Eliza Gilmore Clark
- b. 1119 1/2 (rear) Salina St. Lillie Bell Moseley Jefferson, et al
- c. 2904 Rio Grande St. Janet Decker Shelton
- d. 2910 Rio Grande St. Janet Decker Shelton

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder,
Mayor Pro Tem Love, Councilmen Lebermann, Friedman
Noes: None

JOINT USE AGREEMENT

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to enter into a joint use agreement with the Texas Pipe Line Company for a portion of Colony Loop Drive which crosses Texas Pipe Line's right-of-way. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilman Binder, Mayor Pro Tem Love,
Councilmen Lebermann, Friedman, Handcox
Noes: None
Out of Room at
Roll Call: Councilman Dryden

ENGINEERING TESTING SERVICES

Councilman Lebermann moved the Council select SNOWDEN AND MEYER as the Engineering Testing Services in connection with the following Public Works Project:

1973-74 Yearly Concrete Materials Testing Services for Sub-division Street Development and Voluntary Street Paving Projects.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilmen
Lebermann, Friedman, Handcox, Mayor Butler
Noes: None
Out of Room at
Roll Call: Councilman Dryden

Councilman Lebermann moved the Council select TRINITY TESTING LABORATORY as the Engineering Testing Services in connection with the following Public Works Projects:

1973-74 Yearly Densities for Base Courses and/or Subgrades for Subdivision Street Development and Voluntary Street Paving Projects.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman,
Handcox, Mayor Butler, Councilman Binder
Noes: None
Out of Room at
Roll Call: Councilman Dryden

Councilman Lebermann moved the Council select TRINITY ENGINEERING TESTING as the Engineering Testing Services in connection with the following Public Works Projects:

1973-74 Yearly Bituminous Materials Testing Services for Subdivision Street Development and Voluntary Street Paving Projects.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilman Binder, Mayor Pro Tem Love
Noes: None
Out of Room at
Roll Call: Councilman Dryden

Councilman Lebermann moved the Council select FRANK G. BRYANT AND ASSOCIATES, INC. as the Soils Investigation Services in connection with the following Public Works Projects:

1973-74 Yearly Soils Investigations for Subdivision Street Development and Voluntary Street Paving Projects.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler,
Councilman Binder, Mayor Pro Tem Love, Councilman Lebermann
Noes: None
Out of Room at
Roll Call: Councilman Dryden

TEMPORARY STREET CLOSING

Mayor Pro Tem Love moved the Council grant the application of Mrs. Lottie B. Wood to temporarily close the 1800 block of West 38th Street on November 16, 1973, from 6:00 P.M. to 12:00 Midnight for a neighborhood block party. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder,
Mayor Pro Tem Love, Councilmen Lebermann, Friedman
Noes: None

USE OF CITY OWNED LAND

Councilman Lebermann moved the Council grant permission to use City-owned land at the corner of San Gabriel and North Lamar for sale of Christmas trees at the request from the Downtown Optimist Club, by Mr. Gus Stewart, President. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Mayor Pro Tem Love,
Councilmen Lebermann, Friedman, Handcox
Noes: None

Councilman Lebermann moved the Council grant permission to use City-owned land at the northwest corner of Barton Springs Road and Bouldin Avenue for sale of Christmas trees at the request of the Optimist Club of Southwest Austin, by Terry D. DeVilbiss, Secretary-Treasurer. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen
Lebermann, Friedman, Handcox, Mayor Butler
Noes: None

REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH CULLERS AND NUTTER, INCORPORATED; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Handcox moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Mayor
Butler, Councilman Dryden
Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.

STREET PAVING

Mayor Butler introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF MANCHACA ROAD, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY TERRY EDWARDS CONSTRUCTION COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

The Mayor announced that the ordinance had been finally passed.

REVENUE BOND ELECTION

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION OFFICIALS TO CONDUCT THE MUNICIPAL BOND ELECTION TO BE HELD NOVEMBER 17, 1973; PROVIDING COMPENSATION FOR THE ELECTION OFFICIALS; DESIGNATING THE UTILIZATION OF AN ELECTRONIC VOTING SYSTEM FOR THE CONDUCTION OF SAID ELECTION; DESIGNATING A PRIME AND ALTERNATE CENTRAL COUNTING STATION FOR SAID ELECTION; ESTABLISHING A DATE FOR A PRECOUNT TEST OF THE AUTOMATIC TABULATING EQUIPMENT; PROVIDING NOTICE OF SAME; DIRECTING THAT AN INSTRUCTION SCHOOL FOR ELECTION OFFICERS SHALL BE CONDUCTED; PROVIDING NOTICE OF SAME; PROVIDING FOR SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden,
Binder, Mayor Pro Tem Love, Councilman Lebermann.
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT A, RESUBDIVISION OF LOTS 10, 11 AND 12, AND A PORTION OF LOTS 13 AND 14, BLOCK 1, PLEASANT HILL ADDITION, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT, SAVE AND EXCEPT, A 4,017 SQUARE FOOT TRACT OF LAND WHICH IS HEREBY CHANGED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 5506-5514 SOUTH CONGRESS AVENUE; ALL OF SAID PROPERTY

BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden,
Binder, Lebermann, Friedman
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 58.94 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT; 8.82 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT; AND 13.27 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY,

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann,
Friedman, Handcox
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

GOALS FOR AUSTIN OR AUSTIN TOMORROW

Mayor Butler brought before the Council and audience the Goals for Austin or Austin Tomorrow announcing the population of the Austin Metropolitan has doubled since 1950 and at that rate, it will double again by 1990 spotlighting the necessity of building facilities, planning for jobs, growth, traffic, zoning, housing and many other aspects. Planning Director Dick Lillie stated the purpose

of this program is to provide citizens the opportunity to participate in planning their future and the City's future and this involvement will take place during the planning process with each individual having a maximum opportunity to be heard. The key is communication resulting in an informed citizenry and a dialogue between the citizens and their government resulting in a citizen support program when completed as well as the programs and accords in the ordinance that will result from it.

He reviewed the make up of the assembly as an occupational cross-section; ethnic, sex and age cross-sections to respond to the City as it was in 1970, stating the assembly, appointed by the City Council, will begin it's work November 14th, and Phases 1 and 2 would be completed about December 20th. About 10,000 citizens would be involved in the program. Mr. Sonny Davis stated without question, this is the most unique citizen involvement program that had ever been put together in the State, possibly in the country, and he looked forward to the opportunity and to the challenge in that Austin would be the first City to reach out for genuine involvement of citizens. Mayor Butler expressed appreciation for Mr. Davis' keeping us posted.

CITIZEN APPEARANCE

Mr. Max Ladusch, Secretary Austin Building and Construction Trades Council appeared before the City Council introducing Mr. Jim Hamrick, President of the Austin Building Construction Trades Council, and many others representing plumbers, pipefitters, iron workers and Laborers' Union, painters, glazers, plasterers, and cementors, masons, operating engineers and others in the various trades and crafts. Their understanding was that BROWN & ROOT, INC., either had been awarded or would be awarded the contract to build a nuclear plant in the South Texas project. Because of their principles and concern, they voiced an opposition to any action that would result in work being provided to this contractor. Even though they continue to oppose this firm, they never opposed nuclear energy but in fact, wholeheartedly support this nuclear energy. He read a Resolution unanimously adopted by their membership on November 5, 1973, citing that the Austin Building and Construction Trades Council go on record endorsing both bond issues and encouraging everyone to support these two issues.

Mayor Butler commended their presentation and expressed appreciation for their support of this vital issue. Mayor Pro Tem Love, noting that fair-minded people are always able to change their posture and stating he was aware of the previous stand, wanted the record to reflect notwithstanding certain press notices that there has never been any pressure from this Council to this group. Mayor Butler thanked the group for its attendance.

HEARING ON ANNEXATION

Mayor Butler opened the hearing scheduled for 7:00 P.M. to consider annexing two tracts of land totalling 208.63 acres. Mr. Woodrow Sledge, representing the Austin Independent School District, spoke in favor, particularly for the 201.76 acre tract as the Austin Independent School District is planning an elementary school site in that area. Councilman Handcox moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

Total of 208.63 acres of land:

- a. 6.87 acres of land out of the James Mitchell Survey - unplatted land. (requested by owner, Howard Haberman)
- b. 201.76 acres of land out of the James Mitchell Survey and the T. J. Chambers Grant - unplatted land and portions of SPICEWOOD SPRINGS ROAD, UPPER ROAD, and LOWER ROAD. (initiated by the City of Austin)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler
 Noes: None

ZONING HEARING

Mayor Butler announced that the Council would hear the zoning case scheduled for public hearing at this time. Pursuant to published notice thereof, the following zoning application was publicly heard:

KATYE WATTERSON	2612-2614 South	From "A" Residence to "C"
by Dale Ossip Johnson	First Street	Commercial
C14-73-107	600 Cumberland	NOT RECOMMENDED by the Plan-
	Road	ning Commission
		RECOMMENDED "O" Office sub-
		ject to a 6' privacy fence
		where adjoining "A" Residence
		zoning, except on the north-
		ern boundary line

Mr. Dale O. Johnson, attorney, represented the applicant who was requesting the "C" Commercial category in that the purchaser intends to operate a mail order cutlery business at which business there would be no walk-in trade as 90% of the business is done by mail with only one delivery a month. He asked the Council to consider the alternate zoning with the stipulation that his client would be prepared to enter into an agreement in the event that the usage were terminated that the zoning could be rolled back to "O" Office. Planning Director Dick Lillie stated this use would require "C" Commercial, and permits a great number of uses as permitted uses.

Motion

Mayor Pro Tem Love moved that the Council approve the request of "C" Commercial to Mr. Johnson subject to the restrictive covenant that the zoning would be rolled back to "A" Residence, should there be any other use given to this property. The motion, seconded by Councilman Dryden, failed to carry by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilman Dryden
 Noes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler

Mayor Butler asked Mr. Johnson if his client wanted to pursue the "O" Office zoning and Mr. Johnson replied that he did.

Substitute Motion

Mayor Pro Tem Love moved that the Council grant "O" Office zoning including the privacy fence. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,
Mayor Butler, Councilman Dryden
Noes: Councilman Binder

Mayor Pro Tem Love pointed out the "O" Office which had just been granted except for the privacy fence could be developed as an office building there if the applicants so desired.

The Mayor announced that the change had been granted to "O" Office subject to the privacy fence and the other conditions set forth and instructed the City Attorney to draw the necessary ordinance to cover.

FUND CONTRACT

Councilman Lebermann moved the Council adopt a resolution authorizing the following special services fund contract:

AGENCY	ALLOCATION	CONTRACT TERM
Laguna Gloria Art Museum	\$30,000.00	November 1, 1973 - October 31, 1974

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Binder, Mayor Pro Tem Love
Noes: None

ENGINEERING SERVICES

Mayor Pro Tem Love moved the Council select TRINITY TESTING LABORATORIES, INC., as the Soils Investigation and Engineering Testing Services in connection with the following Capital Improvements Program Project:

Northwest Area Junior Swimming Pool
Project No. 8652 0

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Friedman, Mayor Butler, Councilmen Dryden,
Binder, Mayor Pro Tem Love, Councilman Lebermann
Noes: None
Out of Room at
Roll Call: Councilman Handcox

Councilman Friedman moved the Council select STAPP-HAMILTON ASSOCIATES as the Soils Investigation and Engineering Testing Services in connection with the following Capital Improvements Program Project:

William Cannon Drive Improvements
Project No. 6211 1

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder,
Mayor Pro Tem Love, Councilmen Lebermann, Friedman
Noes: None

Councilman Friedman moved the Council select TRINITY ENGINEERING TESTING CORP., as the Soils Investigation and Engineering Testing Services in connection with the following Capital Improvements Program Project:

Ninth and Tenth Street Improvements
Project No. 6220 2

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Mayor Pro Tem Love,
Councilmen Lebermann, Friedman, Handcox
Noes: None

AMBULANCE SERVICE

Mayor Butler stated the Council had received the recommendation from the City Manager regarding consideration of bids for the provision of emergency ambulance service. The City Manager reported his recommendation in his report previously distributed on November 7th still stands. Mr. Davidson stated the basic recommendation is that he be directed to negotiate another contract with the present firm for some other period of time whether a year, 18 months or two years. The term for the proposed contract would depend somewhat on the success of the negotiations.

Mr. Brooks Holman, representing the Bexar County Ambulance Service, had submitted to the Council a savings analysis indicating rather substantial savings on his client's bid ranging at a minimum of \$102,000 over the last contract up to a maximum of \$145,000 which would be a savings over the acceptance of the bid of Austin Ambulance. Mr. Holman was advised through a communication from the Urban Transportation Department that Bexar County Ambulance Service probably could not be awarded the bid at this time as it does not have a franchise. Mr. Holman observed that 45 people were asked to bid on the contract but no mention was made of the necessity of a franchise. Three people responded but only two, the current contract holder and Bexar County had bids that were in proper form. His client was delayed due to lack of proper forms at this time in the City Clerk's office. The form had to be brought up to date since it did not conform with the new charter and additional requirements in the code. The forms were to be ready possibly the next day but not later than Monday. Mr. Holman asked if their bid was low, why could it not be considered.

City Manager Davidson reported both bids that have been discussed meet the specifications that were submitted to the 45 prospective bidders. He could not point to any specific deficiency of the firm represented by Mr. Holman but he had hoped that the best bidder would be in a position to immediately operate the quality of service that Austin citizens demand and desire and that the firm submitting the best bid would have the sample type equipment like they might use here for best quality service and that they might have the breadth of financial ability to afford to finance that kind of service. Mr. Davidson stated on this basis, he had submitted his recommendation to the Council not being able to point to specific deficiencies. He added that the recommendation stated that the other company's bid is too high and he would not recommend the acceptance of that bid, but the alternative bid.

City Manager Davidson explained that in San Antonio, the ambulance standards were not as high as they are in Austin and these people do not meet the standards. He stated the San Antonio bidders' intentions and basic qualifications were good but even at this meeting on equipment 280 day delivery schedules were noted and Mr. Holman's client could not provide the equipment necessary to meet the standards. Councilman Handcox inquired about the bidding and if there were items that were not in the specifications. It was explained that the present contractor had come to the Administration requesting a re-negotiation of his contract and the Director of Urban Transportation, Mr. Joe Tarnus, stated if the company were operating from a bid basis on a particular contract and if their price were to increase, it would be necessary to find out if another firm, fully qualified to provide the service, could bid on this contract and give them an opportunity to come into Austin. The City Manager stated this had been done and he had hoped that the City would have received the best bid from a company already operating the type of service under discussion but that was not the case with the low bidder. After considerable discussion Mayor Pro Tem Love moved the Council reject both bids received October 23, 1973, for emergency ambulance service and that the City Manager report back after further investigation of the matter. Councilman Dryden seconded the motion.

Substitute Motion

Councilman Handcox offered a substitute motion that the item be postponed for one week.

Amendment to Motion

Councilman Friedman offered an amendment to the motion that "proper forms for applying for a franchise hearing be made available to the applicant within this week's time."

Vote on Substitute Motion and Amendment

Councilman Handcox' substitute motion carried by the following vote:

Ayes: Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen
Lebermann, Friedman, Handcox, Mayor Butler
Noes: None

AFRO-AMERICAN PLAYERS, INC.

Mr. Charles Pace, spokesman for the Afro-American Players, appeared before the Council requesting funds for present and future productions and projects of the Afro-American Players, Inc. Mr. Pace, co-founder and Executive Producer, stated this is a non-profit community-based theater in Austin and they stress the word "community", as they are composed of black, white, Mexican-Americans, Jews, Gentiles, faculty and staff of the University of Texas, the student body of Huston-Tillotson College and Austin Community College and in general, the Austin community. Their goals are to entertain and educate the Austin community to the cultural experiences of black Americans through the medium of the theater. The black citizens of Austin are without a serious cultural center. Presently, they are negotiating with the owner of Studio IV for their facilities, and their cost would be \$30,000 to staff and re-convert that theater into a performing arts theater; \$8,000 for rent for two years and \$22,000 for equipment.

Mr. Pace expressed interest in the "Homestead" rights where they might find a dilapidated building and reconstruct it with the stipulation if they rebuild and keep the building up after a certain period of time, the building could be given to the people, in their case, a non-profit organization. The Assistant City Attorney, Mr. Richard Tulk, pointed out this request would run into constitutional perusal on gifts of public funds. Other organizations receiving funds from the City have contracts with the City for performing a service for the money. Mr. Pace stated this group intended to go to every high school in the fall and give performances. Mayor Pro Tem Love suggested that the Council ask the City Manager to investigate the possibility of any funding that might be received from another area, total or matching and in terms of service to this community, the City Manager and Director of Recreation, Mr. Jack Robinson, could investigate the potential of what might be done for the community at large as opposed to Studio IV. Mayor Pro Tem Love added he would not support anything happening in Studio IV and requested that the City Manager come back in two weeks and give the Council a report after having talked with Mr. Pace, his associates, Mr. Robinson and any other particular parties on the staff.

Councilman Friedman suggested also that the Manager and Mr. Pace see what type of City buildings might be available in case some program with the City might be able to lease a building to these people as it had done with other agencies. Councilman Handcox stated the Council could keep this theater project in mind in the effort to redo East 6th Street, and that the committee working on that project might want to discuss this matter also. Councilman Friedman added he was aware of the Homestead provisions being conducted particularly in Philadelphia and Wilmington because there is a project going on down here. Under those provisions, if it is not feasible for this type of operation to homestead, the Manager could help with other areas where it might be possible to lease a building to Mr. Pace's group or find a location where they could work something out. He stated one of their goals is to get rid of Studio IV. Mayor Butler said the Council would be looking forward to getting information back from Mr. Pace as well as supplying information to him.

ESTABLISHING FEES AND CHARGES FOR THE
MUNICIPAL AUDITORIUM-COLISEUM

Mayor Butler brought before the Council the consideration of the ordinance establishing fees and charges for the Municipal Auditorium and the Coliseum. Mrs. Sibley, a representative from the Austin Symphony, stated if there were a 10% gross

on their season subscriptions and on concert ticket sales, they would have a net loss of 65%. Even with other means of funding the symphony, they could not raise their ticket prices to handle an increase in their rent. Mr. Joe Liro, Budget Director, explained the proposed fees specifically exclude the application of the percentage clause from applying to any non-profit organization whose primary purpose is to provide cultural enrichment events for the Austin citizens. Mr. Liro stated in addition, the rates are structured for a flat fee or a percentage clause.

Mayor Pro Tem Love suggested excluding any kind of increase for the non-profit organizations. City Manager Davidson suggested that the organizations, the non-profit groups, along with Mr. Gandy's help tabulate any increase being experienced as a result of the new budget appropriation and then review these increases and see what they are at the time the Council considers their next budget request. Then the City would keep standard fees and render any special consideration as far as the budget request that comes to the Council each year. Mayor Pro Tem Love concurred in this recommendation. Councilman Binder expressed concern about the social clubs who charge admission for their annual dances, etc., and also of the impact this might have on commercial activities.

Mr. Gerald Hill, representing the Austin Jaycees and President of the United Cerebral Palsy Capitol area, said the 10% on the gross would cost them \$2,000 feedback into the fee. They are having the Expo '74 this coming year, which is a Home and Trade Show designed specifically to raise money for the Jaycees part of which pays their funds and the profit feeds back into the City projects for an underprivileged children's Christmas party and a hike and bike trail along Shoal Creek, which they work with the City. Mayor Pro Tem Love suggested that Mr. Hill meet with the City Manager. Mr. Rod Kennedy, who is in business entertainment, reported the intent of the auditorium was for cultural activities as well as trade shows, conventions, etc. In the first three years, he had rented the building 50 times somewhere in excess of \$20,000 rent. He was not notified of this increase in rate. As to the publicity of the increased fees and charges, the City Manager listed the different times and ways that the publicity was given; through public hearings listed on the agenda twice and postponed twice. The proposal had more than ample publicity.

Mr. Kennedy pointed out flaws in the past management of the auditorium and equipment which the City Manager stated had been corrected. Mr. Kennedy commended Mr. Gandy and his hardworking staff. One of Mr. Kennedy's complaints was the requirement of having a certain number of police on hand. As to the increase, he pointed out if the \$2,000 fee were added to the National Ballet of Washington, D.C., they would not be back next season nor would some others, due to the size of the building. He did not think the 10% charge was comparable to other capital cities and a 10% surcharge would put him out of business. Mr. Kennedy's protest was that he was not notified of the rate increasing and that here was a lack of knowledge of the cost of the risers. The City Manager explained to Mr. Kennedy the Council had a suggestion about the symphony in that the Council would consider the fees and charges, and then tabulate the additional expenses the symphony experienced so those could be taken into account the next time the budget was considered. Some of the Councilmen wanted a week's delay for a special report. Mr. Davidson said those who use the building have various costs which are increasing and so does the City of Austin. As an alternative to increasing the tax rate which all citizens have to face, he and his staff had been trying to look for areas where those who directly benefit most would help cover some of the cost increases.

City Manager Davidson said he could prepare a special report on the cities that Mr. Gandy had utilized and he would be pleased to submit such a report. From the indications he had come upon through talking to a number of people, Councilman Friedman stated they were not in opposition to an increase but to the amount. Doing it all at one time might prevent some performances from returning the following year, while with a more reasonable fee, the auditorium could be rented. Mayor Pro Tem Love suggested that the Council take a week for review. After lengthy discussion, Mayor Butler stated the City Manager would be in contact with all those who had spoken tonight as well as other interested parties and that the City Manager would reconsider the whole issue and come back to the Council with those recommendations or some others or something in between these and the old ones in the various different categories.

TWENTY-THIRD STREET VENDING AREA

City Manager Davidson gave a resume of the past two Council meetings at which the vendors came before the Council asking for permission to close 23rd Street during the Christmas season in order to expand the number of square feet available for vending. It was his recommendation that the Council not consider their request favorably, but that the ordinances and existing City policy be enforced. Additional meetings had been set up with some of the vendors' representatives in order to discuss alternatives that had not occurred to them before that meeting. The report today reiterates the earlier recommendation, and they did not recommend 23rd Street's closing for any period of time. The recommendation is that for the three weeks before Christmas that the vendors be allowed to expand west of 23rd Street for 1/2 block on the south side and on the north side of 23rd for 1/2 block between Guadalupe and the alley, keeping behind the show windows of that business on the northwest corner. The vendors do not agree with this recommendation and they felt that initially they asked not only for some extra space during Christmas but also for every Saturday where they need additional space. They were told that would not be recommended, that none of this additional space would be used on a year around basis for any day. The spaces in the permanent vending area are adequate.

Lengthy discussion ensued among the vendors, the City Manager and the City Council, covering specific locations and if the demand was so, that an unpaved area adjacent to the Co-Op parking lot might be used also. Mr. Roberts, one of the vendors, talked about the importance of Christmas to the economy of the Drag and pointed out there is a need for a solution for Saturdays. His theory was that there should be a number of facilities to take care of the need when the need is great, even though there are times the area is not utilized, citing an example of the stadium which is used 2% or 3% of the year, and tennis courts. Another item in the discussion set out by Mr. Erler was the parking problem. He had asked about placing a loading zone sign along one side of 23rd Street with adequate space for movement of traffic with one side parked up. City Manager Davidson assured enforcement of the laws. He added that no panel trucks would be allowed to park there for any period of time unattended.

Mayor Butler noted there had been a number of violations for which arrests or citations had not been issued; also he pointed out about 40% of the goods sold by the vendors is imported and purchased for resale. Mr. Erler said it was reasonable to vend the imported merchandise as there was no other outlet. Mr. Lane stated the group feels that the recommendations presented are much better than they expected, but they still feel that they are inadequate. The plan recommended by the

City Manager was that they start with one of the two areas and fill up the second area as it is needed, but he did not believe that those areas would be completely adequate for the vendors they expect. If the number of people with licenses turn out, there will not be ample room and this is the problem that needs to be dealt with now. He proposed in addition to those areas and only if those were completely filled that the Council permit them to sell on the east side of San Antonio Street between 23rd and 22nd streets on the sidewalk. If the existing proposal would not be adequate, some provisions should be made now with the understanding that it would be an overflow area only if needed.

Mayor Pro Tem Love pointed out there was opposition from the Congregational Church. He stated he would like to ask the City Manager to bring back an amended ordinance based on his recommendation next week. Mr. Lane said they did not consider this an ideal solution but it seems to be the best solution under the circumstances. He suggested street closing. Councilman Dryden opposed any street closing.

Mayor Pro Tem Love moved that the Manager come back with a recommended amendment to the ordinance. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilmen Lebermann,
Friedman, Handcox, Mayor Butler, Councilman Dryden
Noes: None

City Manager Davidson stated this was two 1/2 block sections on one side of the street, the north side of 23rd street from Guadalupe to the alley and the south side of 23rd Street from San Antonio to the alley. Councilman Friedman suggested that the property owners on San Antonio Street should be informed so that they could express themselves. Mayor Butler made an inquiry of Mr. Lane, noting there seemed to be no apparent effort on behalf of the vendors to stay within the prescribed square footage that was originally designed to accommodate one vendor. His suggestion would be that these be striped. Mr. Lane stated the vendors would try to enforce this trend themselves.

NUCLEAR ISSUE AND BOND ELECTION

Councilman Friedman submitted a proposal that has been discussed over the last few weeks concerning imparting information to the general voting public of Austin, so that an intelligent decision could be made on the upcoming bond election. There have been various suggestions made by several citizens around the community that perhaps one of the best ways it could be done would be for the City to request free time from each of the local television stations and if the request were turned down, the City should consider buying air time on each station for a 15 minute presentation of the proponents' viewpoint for the nuclear energy proposal, and 15 minutes for the opponents viewpoint of the nuclear proposal in a straight presentation, not in a debate.

He requested if the Council would agree, that the City would rightfully be spending proper money to inform and educate the voting public. He asked for Council approval to either indicate to the City Manager to try and follow through on this or not. Councilman Binder had discussed this with the City Manager just the previous night and asked if he were able to get any rates. Councilman Handcox stated

there were citizen groups already engaged in this kind of program, adequately informing the public both pro and con, and this extra expense should not be placed on the City when it is already being done. He noted the cost of the television would amount to about \$1,000. Mayor Butler pointed out there were many people who do not have television sets or if they had, did not watch it. Many people depended solely on the newspaper or the radio. Such a program would have to be a broad spectrum. If such a program is to be used, it would have to be done in all of the media across the board.

Councilman Friedman stated more of the voting population would be reached by having this on the airwaves. Councilman Handcox pointed out again that other groups are communicating their point of view and it is not at the expense of the City or the tax payer. Councilman Lebermann stated that one much overlooked fact is that some of the Council had hired out to make programmatic judgement about the needs of the City, from now into the future, and it was the judgement of this Council to ask the people of Austin to go to the polls and give the Council the bonding capacity to participate in those capital expenditures requisite to meeting our energy demands for the future. He said if they make that judgement, which is a valid one, the Council should be selling it. Councilman Lebermann stated it was recognized through all of the Council's independent engineering efforts, through its Citizen Study Commission, through public hearings and through its own investigations, that there was this need and they made an effort to meet the need and had determined an energy package. He believed it is the obligation of the Council. If it is the Council's judgement that this package is sensible, then the Council should be saying so and encouraging the people to support it.

Mayor Butler suggested that perhaps Mayor Pro Tem Love had more expertise in this field than anyone else, and that he and the City Manager present the Council a package of costs, times and etc. Councilman Binder stated if the television stations were willing to donate time their problem would be solved. Mrs. Janet Craig, representing the North Austin Civic Association, stated there are numerous people interested but they still do not really know the pros and cons and there is still a little doubt in their minds. They want to check and make sure that the Council has taken everything into consideration so that they can make up their minds for themselves. She suggested the Council come back and tell these people the good parts about this versus the bad parts. Mrs. Craig said those people would probably say they never heard anything about this or did not have time to go to the speakers, or missed the television programs. Mrs. Craig said half a page in the newspaper for the people who do not have a television, listing the pros and cons alongside each other, would reach those who did not have a television. Mayor Butler stated they would proceed on those lines.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Ray Butler
Mayor

ATTEST:

City Clerk